

**THE JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

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TO: Members of the Judicial Council

FROM: Special Task Force on Court/Community Outreach
Hon. Veronica Simmons McBeth, Chair
Shelley M. Stump, Planning Coordinator

DATE: January 26, 1999

SUBJECT: Addressing Public Trust and Confidence: Court and Community
Collaboration (Cal. Standards Jud. Admin., § 39 and Cal. Rules of
Court, rules 205, 207, and 532.5) (Action Required)

INTRODUCTION

“Public Shows Little Confidence in Courts” — this hard-hitting headline appeared in the *Los Angeles Times* on November 19, 1998, above an article reporting the results of the most recent public trust and confidence survey commissioned by the Los Angeles Superior Court as part of its Improvement Initiative. This report, the latest study conducted in California on these issues, adds to the existing information developed over the last quarter-century about the significant decline of public understanding of and support for the courts. (See the series of national and state public surveys discussed later in this report.)

Given the decline in public trust and confidence in the courts, it is important that the courts sincerely seek to provide improved services to the users of the justice system and that courts renew their traditional position of leadership within their communities. People care deeply about justice. It is the backbone of a free and civil society. Historically, the courts have been recognized as relevant to the lives of the people they serve. To reclaim that respected role, the courts need to take action in two broad areas: (1) courts should open avenues of communication with the public through which the courts truly “listen,” and (2) courts should actively engage in public education about the role and operation of the courts.

It is important that the courts reach out to their communities to develop groups of individuals who are knowledgeable about the courts' purpose and function and also committed to ensuring that courts receive the support they need to carry out their vital constitutional role. Two primary reasons underlie the need for making this effort:

- Unlike the other two branches of government, the judiciary has no general public constituency. For reasons of public confidence and court needs, the building of such a constituency is critical to the courts' survival.
- The most effective way to create such a constituency is to educate the public about court processes. Once people in the community understand the role played by the courts, they can speak on behalf of the courts' interest.¹

The ultimate goal of court and community collaboration is to create opportunities for dialogue that enable the courts to be more responsive to both the people they serve and those to whom they are accountable for the use of public resources.

THIS REPORT

As a summary of the research conducted and conclusions reached by the task force since April 1997, this report is structured as follows:

- I. Charge to the Task Force
- II. Information Considered and Conclusions Drawn
- III. Policy Alternatives
- IV. Recommendation

Appendixes elaborate on the subjects addressed in the report. Of special note is Appendix J, *Dialogue: Courts Reaching Out to Their Communities — A Handbook for Creating and Enhancing Court and Community Collaboration*. This handbook is the tangible product created by the task force to introduce California's trial and appellate courts to the many concepts associated with court and community collaboration (e.g., court community outreach, community-focused courts, community courts, restorative justice) and provide the tools necessary to ensure a general community orientation of the courts.

¹ The Community-Focused Court Development Initiative, *Citizens and Their Courts* (May 1995).

I. CHARGE TO THE TASK FORCE

At its annual Planning Workshop in March 1997, the Judicial Council adopted as one of its priorities the creation of the Special Task Force on Court/Community Outreach to consider the implications of court community outreach activities on a statewide basis. In April 1997, the Chief Justice appointed the task force. The membership of the task force was purposefully broad, including members of the public as well as representatives of the bar, the courts, and other branches of government. In November 1997, the State/Federal Judicial Council expressed an interest in the work of the task force, and two members of the federal bench were appointed to the task force. See Appendix A for a roster of task force members.

In the Chief Justice's appointment letter, the Special Task Force on Court/Community Outreach was charged to accomplish the following:

- A. Conduct fact-finding efforts including, but not limited to:
 - 1. Surveying existing California and U.S. court community outreach models;
 - 2. Seeking information from selected experts on the topic of court community outreach; and
 - 3. Identifying the impact, benefits, and constraints of existing outreach programs.
- B. Identify areas of needed court community outreach in California and agencies or groups with which the courts can collaborate if they choose to develop a court community outreach program;
- C. Identify any applicable ethical constraints that would affect the involvement of individual judges and court staff in court community outreach programs and activities;
- D. Identify the role the Judicial Council and the Administrative Office of the Courts (AOC) should play in supporting court community outreach efforts, including the development of public information materials for use by judges and court staff in court community outreach efforts;
- E. Develop recommendations for standards of judicial administration, rules of court, or other guidelines for development of court community outreach programs;
- F. Produce a handbook to serve as a resource directory for model court community outreach programs and a guide for developing such programs; and
- G. Conduct at least two regional training programs to train court personnel in creating and administering court community outreach programs.

II. INFORMATION CONSIDERED AND CONCLUSIONS DRAWN

The task force was given an extensive charge and its membership had a broad range of perspectives. To thoroughly respond to each of its charged responsibilities, the task force considered the following:

- A. Defining Court and Community Collaboration
- B. Declining Public Trust and Confidence and the Justice System's Response
- C. California and National Court and Community Collaboration Programs and Activities
- D. Public, Court, and Community Organization Input
- E. Ethical Considerations Regarding Judicial Involvement in Court and Community Collaboration Programs
- F. The Public Education System and the Judicial System
- G. Court and Community Collaboration Training

Research and analysis of these subjects informed the policy alternatives and recommendations presented in this report.

A. *Defining Court and Community Collaboration*

An initial challenge the task force faced—and one that the courts will face as they undertake these efforts—is defining the many terms used in the court and community collaboration arena. The task force ultimately decided on the following definitions for terms that are used throughout this report and in the handbook of programs it has developed:

Term	Definition
<i>Community</i>	All those individuals, and the organizations to which those individuals belong or with which they affiliate, who reside in the locales in which our courts operate and who look to the court to provide justice in a civil society.
<i>Dialogue</i>	Two-way communication that involves judges and court administrators in listening to the needs and concerns of members of the public and the courts' users and engaging in public education activities.
<i>Court and Community Collaboration</i>	A wide range of activities in which courts interact with individuals and organizations in their communities to enhance dialogue between the courts and the people they serve, to respond to community needs, and to increase public understanding of and support for the courts.

Term	Definition
<i>Community Justice Initiatives</i>	Programs focused on court partnerships with their communities for the purposes of problem solving and the renewal of public involvement with and responsibility for justice in their society.
<i>Public Education Programs</i>	Programs focused on courts providing information to members of their communities to increase public knowledge and understanding about the role and operation of the courts.

B. Declining Public Trust and Confidence and the Justice System's Response

Issues related to public trust and confidence in the justice system have been well documented at state and national levels for more than 25 years. Therefore, rather than conducting additional surveys to identify these issues, the task force reviewed the prior research and then focused on identifying effective programs and the needs of California's courts to initiate, maintain, and enhance community outreach efforts. (A brief summary of the public trust and confidence survey materials considered is provided below.)

ASSESSING PUBLIC OPINION

Over the last quarter-century, justice system leaders have become aware of a significant decline in the level of public trust and confidence in the justice system and an increasing lack of public understanding of and support for the courts. The task force considered this decline as documented in 13 national and state public surveys described in Appendix B. The following table summarizes the task force's analysis of these.

Focusing on the public's...	the conclusions drawn are that ...
overall opinion of its court system...	most often less than half the public has a generally positive opinion of its local court system; 15 to 25 percent have a generally negative overall opinion of their court system.
perception of bias within its court system, specifically with regard to race, income, and gender ...	respondents generally believe their courts are not consistent in the level of fairness they administer and that income is most often perceived as the most salient factor affecting fairness in the court systems.
level of confidence in its court system...	while respondents tend to be more confident in the court system than in many other government institutions, the courts do not enjoy an overwhelming level of public confidence.

Focusing on the public's...	the conclusions drawn are that ...
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familiarity with the court system...

fewer than one-half of respondents understand basic legal principles such as the burden of proof; between 20 and 40 percent of the populace believe that they are familiar with the organization and operation of their court system; and most people receive their information about the court system from newspapers or television news.

EVOLUTION OF JUSTICE SYSTEM RESPONSES

Generally, the justice system's attitude toward and response to declining trust and confidence has evolved over time. The general change in justice system response is summarized below.

THE NATIONAL RESPONSE

The 1970s. The National Center for State Courts Task Force on Courts & Community in 1977 published its initial report, which recommended that courts should, in response to waning public trust and confidence, do the following:

- Expand disputants' access to the courts;
- Improve court experiences for witnesses, victims, and jurors;
- Increase the lay person's role in dispute resolution; and
- Enhance the community's role in governance of the courts.

These recommendations engendered significant debate among court leaders. Some urged greater responsiveness to public concerns, but most called for "better education of the public." This approach was characterized by commentators as the "justice system's traditional view of the public role." This traditional view centers on one-way communication — that is, educating the public and asking for help in achieving already-defined purposes, rather than reaching out to the public to learn its concerns.²

The 1980s. In response to the independent 1983 Hearst Corporation Public Opinion Survey, national leaders urged that court leaders develop methods for more effective public participation in the judicial branch while continuing to protect the independence of judicial decision making. In 1984 the National Center for State Courts surveyed courts nationwide to determine the type and frequency of court public-involvement programs. According to this survey, national leaders concluded that, based on the limited degree and type of

² Rubin, F. R., *Citizen Participation in the State Courts*, Justice System Journal 10 (1985): 292–293.

community outreach activities under way, “[t]he courts are being run by judges and lawyers who do not seek public input and do not seem to want public advice.” Although court leaders expressed dismay about the poor public image of the courts, commentators concluded that little was being done to change that image. They suggested that the justice system response to the data gathering of the 1970s and 1980s reflected a “disdain for the public and their ability to participate in and understand the judicial process.” This attitude was interpreted as a “closing of the ranks” and an insulation of the judicial process for professionals only.³

The 1990s. Based on the findings of the 1970s and 1980s, courts have begun taking action in the 1990s to address public trust and confidence in the justice system. Three primary activities in the 1990s preceded the creation of California’s Special Task Force on Court/Community Outreach: (1) the creation of a National Courts and Community Advisory Committee, (2) a national town hall meeting on court and community collaboration, and (3) the findings of the Commission on the Future of the California Courts.

In 1993 a National Courts and Community Advisory Committee, co-sponsored by the Conference of Chief Justices, the Conference of State Court Administrators, and the National Center for State Courts, began the first concerted effort by the justice system to contribute to the court and community outreach dialogue by establishing project goals, including:

- Building public confidence in the courts;
- Increasing citizen understanding of the courts’ societal role and the judiciary’s relationship to the other two branches of government;
- Involving citizens in the courts;
- Improving court and community relationships; and
- Obtaining support for court programs, initiatives, and budgetary needs.

See Appendix C for a more detailed description of the activities and findings of the National Courts and Community Advisory Committee.

In 1995 the first National Town Hall Meeting, sponsored by the National Center for State Courts and the American Judicature Society with grant funding from the State Justice Institute, brought together via satellite more than 1,000 court and community leaders from around the United States. For a full day these leaders explored ways courts and communities can collaborate to improve the public’s trust and confidence in the justice system. The videoconference

³ Zemans, *In the Eye of the Beholder: The Relationship Between the Public and the Courts*, Justice System Journal 15 (1991): 726–27.

was broadcast to local gatherings in 10 states (Alabama, California, Indiana, Kentucky, Massachusetts, Missouri, New Jersey, New York, North Carolina, and Oklahoma) and included a mix of broadcast discussions and local activities.

This town hall meeting defined court community outreach efforts as “a sustained, two-way commitment to ensuring that the justice system is open and effective for all. These efforts stem from and require public involvement in decision-making about how the courts should function.”⁴

Between the satellite broadcasts, the local sites identified strategies for promoting court and community collaboration in their areas. The California group identified the most promising California strategies as:

- Redefining the judge’s role in the community (to the judges themselves, the citizenry, the Legislature, and others);
- Developing systemic approaches, such as drug courts and kiosks, to meet the needs of their communities;
- Following up with individuals and groups who make use of the courts (asking them, “What about your experience would you change?”)

CALIFORNIA’S RESPONSE

The task force also considered information about the history of California’s response to public trust and confidence issues, including:

1. The findings of the Commission on the Future of the California Courts;
2. Recommendations on public outreach and education in a 1994 report to the Judicial Council; and
3. A broad range of activities in which the council and its committees have been engaged since the early 1990s.

Commission on the Future of the California Courts. The final report of the Commission on the Future of the California Courts, *Justice in the Balance — 2020*, was submitted to the Judicial Council in February 1994. That report contained several recommendations that grew out of the responses to the public survey cited in Appendix B, which was conducted as part of the work of the commission. Those “2020” recommendations are:

- ◆ Public Trust Through Public Involvement — The public must have effective means of providing input into the governance of the courts. (Recommendation 5.8)

⁴ National Center for State Courts and American Judicature Society, *Improving Court and Community Collaboration: A National Town Hall Meeting* (draft conference proceedings, Norfolk, Va., Oct. 14, 1995) p. 35.

- ◆ Understanding Justice: Public Education — The justice system and schools at all levels should enter into partnerships to teach Californians about conflict and conflict resolution, basic civil rights and responsibilities, the structure and processes of the public justice system, and local appropriate dispute resolution resources. Judges and attorneys should be active volunteers. (Recommendation 5.9)
- ◆ Understanding Justice: Outreach — Judicial officers should play an active role as spokespeople for justice and the courts. (Recommendation 5.10)
- ◆ Understanding Justice: The Media — In order to promote better public understanding of justice and the justice system, press and public access to court proceedings and data should be virtually unrestricted, absent some compelling interest. In addition, the judiciary should make affirmative efforts to reach and educate the press and the public. (Recommendation 5.11)

1994 Report on Public Outreach and Education. In October 1994, the Judicial Council received a report from the AOC Public Information Office on public education and outreach efforts in California.⁵ The report concluded, “although many programs are being sponsored statewide to improve public understanding of the courts . . . more comprehensive and long-range programs are needed to make a lasting change.” That conclusion was based on the results of an August 1994 survey of courts, law schools, and state agencies (including the State Board of Education) to assess “the existing level of public education about the courts and the law.” The results of that survey, along with a 1991 AOC report entitled *Volunteerism for the Courts*, indicated that existing public education programs consist mainly of:

- Informational publications and videotapes targeted to the general public or schools;
- Classroom visits and other direct communications involving students, judges, and attorneys;
- Free counseling services for the public; and
- Volunteer opportunities in the courts for the public.

Current Judicial Council Activities. To them understand their charge, determine the appropriate scope of their court community outreach research, and to provide a context in which they could receive public comments, task force members were provided information about related issues. The task force heard presentations and/or received summary information from Judicial Council

⁵ Holton, Alfred, and McCarthy, *Report on Public Information and Education Plan for the California Courts* (San Francisco: Judicial Council of California, 1994) p. 1.

committee members and staff on topics such as access and fairness, media relations, judicial education, drug courts, and the Center for Children and the Courts. See Appendix D for more information on California's programmatic responses to declining public trust and confidence and descriptions of court and AOC staff presentations to the task force.

Once the task force considered this background information, it began the process of gathering information about existing community collaboration and outreach programs in California and nationwide.

C. *California and National Court and Community Collaboration Programs and Activities*

To identify the nature and variety of court and community collaboration programs currently in existence in California courts and in courts throughout the United States, the task force developed and distributed a state court community outreach survey and reviewed national literature.

THE NATIONAL PROGRAM SURVEY

Staff surveyed existing literature to determine the nature and type of court community outreach programs currently engaged in by courts nationwide. Additional information about the identified programs was developed through telephone contacts. The information was compiled in a program analysis grid to assist the task force in assessing it. (The same analysis grid was used for the state court survey responses described below.) See Appendix E for a sample of the program analysis grid.

From the national data collected, the task force identified general categories of court community outreach programs, including:

- Citizens' advisory committees
- Information kiosks at court and/or other locations
- Public opinion and exit surveys
- Courthouse tours
- Community volunteer panels
- Citizen guides
- Teen courts
- *Meet Your Judges* programs (such as speakers bureaus)
- Telephone hotlines
- School outreach
- Domestic relations/domestic violence clinics for pro per litigants
- Media outreach
- Day-care facilities
- Public service announcements

THE CALIFORNIA PROGRAM SURVEY

The survey of court community outreach programs in California's state courts was distributed to all presiding judges and court executives/administrators in July 1997. The responses represented a total of 107 courts and 37 counties. The 37 responding counties accounted for 85 percent of the statewide population at July 1, 1995, as reported by the Department of Finance.

The responses included details of current court community outreach programs and copies of public information materials that were then used as part of court operations or that supported the programs identified in the survey responses. Courts shared their public information brochures, pamphlets, videos, Web sites, and other materials in response to this request.

The California court survey resulted in the identification of almost 200 distinct programs conducted in the California trial and appellate courts. For purposes of analysis, these programs were divided into 14 categories. The table below identifies these categories and the percentage of responding courts that informed the task force of an existing program in that category. It is important to note that each court respondent defined "court community outreach program/project" differently. Therefore, the responses included some programs that others might not consider to be "outreach." Also the responses did not necessarily include every program a court offered. For example, some courts chose to include drug courts in their survey response, while some courts with drug courts did not choose to include them in their response. Despite these shortcomings, the survey successfully accomplished its goal of informing the task force of the wealth of court community outreach programs existing in California's courts.

<i>Category</i>	<i>Percentage of Courts Reporting Programs</i>
Administrative Improvements	18%
Alternative Dispute Resolution (ADR)	8%
Community Committees	31%
Courthouse Tours	79%
Family Programs	44%
Juror Program Improvement	14%
Media Programs	28%
Public Information Materials and Programs	25%
Public Opinion and Exit Surveys	43%
Restorative Justice	36%
School and Youth Outreach Programs	11%

<i>Category</i>	<i>Percentage of Courts Reporting Programs</i>
Speakers Bureaus and <i>Meet Your Judges</i> Programs	78%
Volunteer Programs	49%
Other Programs	25%

See Appendix E for a copy of the state survey and specific survey analysis for each responding court.

COMPILATION OF PROGRAM DESCRIPTIONS

The program information provided in the state and national surveys was compiled into more than 450 individual program descriptions and then organized by general subject area. The task force reviewed each of the individual program descriptions to identify (1) the general types of programs that should be included in the court and community collaboration handbook and (2) the important elements in individual programs that should be combined to develop a “model” program description for inclusion in the handbook.

In addition to the *Education and Community Dialogue* programs that are the focus of the task force’s work, the courts reported many other activities that can be more accurately described as *Community Justice*, *Customer Service*, and *Court Operations–Related* programs. Examples of each type of program identified by the courts are provided below.

Education and Community Dialogue Programs

- Courthouse tours
- Public opinion/Exit surveys
- School outreach
- Citizens’ advisory committees
- *Meet Your Judges*/speakers bureaus
- Teen courts
- Citizen guides
- Neighborhood/community problem-solving programs
- Media outreach
- Volunteer panels
- Law Day program
- Mock trial competition
- Bench/Bar/Media/Police Commissions

<p align="center"><i>Community Justice, Customer Service, Court Operations–Related Programs</i></p>
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|---|---|
| <ul style="list-style-type: none"> • Telephone hotlines • Guardianship monitoring program • Information kiosks (computerized court information sites) • ADR project • Internet Web site • Bridging the gap, new attorney orientation program • Day-care facilities/Children’s waiting room • Family Court Services and small claims mediation | <ul style="list-style-type: none"> • Bring-your-child-to-work program • Child abuse prevention council • Small claims advisory program • National Vietnam Veterans’ Standdown • Family/domestic violence coordinating councils • CASA programs • Drug courts |
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GENERAL CONCLUSIONS

The task force drew the following general conclusions from the state and national survey information:

Current Status

- ◆ More than 50 percent of the courts in California engage in some form of court community outreach activities. The types and extent of those activities vary greatly from court to court. The most extensive outreach programs are found in the large urban courts, apparently because those courts have larger pools of money and resources.
- ◆ Much of the court activity seems to focus on traditional forms of education efforts, such as courthouse tours and *Meet Your Judges* programs, rather than on innovation and response to particular community needs.
- ◆ Most courts have emphasized youth programs, both to engage youth in educational opportunities and to establish “teen courts” that directly involve youth in the justice system in a productive way. Support for such efforts has been established by encouraging the participation of juvenile judges through section 24(e)(1) of the California Standards of Judicial Administration.
- ◆ No central location exists for information about community outreach programs.
- ◆ Courts look to each other for ideas about addressing public needs and concerns.

Finances

- ◆ Most program development did not appear to be financially driven, i.e., most programs were developed in response to particular needs. Once the needs were identified, existing resources were used to develop and deliver some of the programs. The need for additional resources often has led to collaborations with people and/or organizations outside the judiciary.
- ◆ Although resource information for individual programs was difficult to collect, it appears that court community outreach programs have varied funding sources and require varied amounts of funding and resources. There also appears to be little evidence of institutionalized financial support for community outreach programs.
- ◆ Many programs have little or no cost other than the time commitments of the judicial officers or court personnel who choose to participate.
- ◆ For programs that do have additional costs, such as for transportation or publicity, creative collaboration opportunities have been developed with private interests in ways that do not compromise the impartiality of judges.

Opportunities for Success

- ◆ Courts could be involved to a greater extent in court community outreach activities if they made more effective use of court volunteers, especially senior citizens and retired persons.
- ◆ The success of many programs was attributed to collaboration between public and private organizations.
- ◆ In many programs, the use of technology has enabled the courts to enhance their outreach efforts.
- ◆ Potential jurors are an underutilized resource for education opportunities and transmission of positive information and experiences to the community.

D. Public, Court, and Community Organization Input

The task force conducted 14 meetings from May 1997 through September 1998. The task force used three techniques to publicize the opportunity for public, court, and community organization comment and participation at its meetings:

1. Distributing regular news releases before each task force meeting, with emphasis on the local media of the city in which the meeting was being held.
2. Contacting the court executives of the courts in the areas where meetings would be held to invite court participation and presentations.
3. Distributing a task force brochure to a mailing list of 5,000 community organizations in California.

OUTREACH TO COMMUNITY ORGANIZATIONS

A task force brochure was mailed to more than 5,000 community organizations in California. The brochure notified them of the opportunity to attend and speak at task force meetings and also provided an avenue for organizations to indicate their interest in working with their local courts on an ongoing basis. Of the 5,000 organizations to which the brochure was sent, over 150 organizations indicated an interest in working more closely with their local courts. The names of these organizations are provided to local courts in the handbook (Appendix J) as examples of the types of groups with whom the courts can collaborate in creating and enhancing community outreach programs.

COURT PRESENTATIONS AT TASK FORCE MEETINGS

At each location where the task force met, local court representatives were invited to speak to the task force and observe the work of the group. Other special invitations were directed to court representatives known to members of the task force as being especially involved in community outreach activities. Representatives from the courts in Alameda, Butte, Sacramento, and Ventura Counties, as well as from the California Judges Association (CJA), made presentations to the task force about existing court community outreach and customer service initiatives.

See Appendix F for a more detailed summary of the information provided to the task force by these court representatives.

PUBLIC COMMENT

Summarized below is the public comment received by the task force in two ways: through comment presented at task force meetings and through written comments received from interested individuals.

Public Comment at Task Force Meetings. The task force did not hold formal public hearings. Rather, at each of its regular working meetings, the task force set aside time to receive comments from the public about court community outreach programs. The task force publicized the opportunity for public comment through press releases and distribution of its brochure to the press and organizations in the communities where the meetings were held.

Although the members of the public who attended the meetings were specifically asked to comment on ways in which the courts could improve their community outreach efforts, the general themes of the remarks by members of the public who chose to speak to the task force were:

- ◆ The need for greater access to justice services;
- ◆ Particular cases in which speakers believed they were not treated fairly by a judge;

- ◆ The need for the courts to collaborate more with other service-provider organizations to maximize the use of alternative sentencing and assistance to court users;
- ◆ The need for more public education about the courts for the youth of the state; and
- ◆ The need for more opportunities for alternative dispute resolution mechanisms.

See Appendix F for a listing of task force meeting dates and locations and a detailed summary of the information provided to the task force during public comment periods.

Written Comment. Written public comment came from a small number of individuals who learned of the task force via the brochure mailing, the Judicial Branch of California Web site, or word of mouth. Several writers suggested the importance of emphasizing certain issues in public education about the law and the courts. For example, a teacher of law classes at La Canada and San Marino High Schools submitted his own and his students' views and ideas on court outreach to youth. Teen courts were the overwhelming favorite from his law classes (85 to 90 percent chose teen courts as the highest priority for state courts to address with regard to youth now and for the next decade). In an effort to model the positive reinforcement of community collaboration that the task force believes is critical to successful community dialogue, the task force requested that the Chief Justice sign certificates of acknowledgment for the teacher and each student who took the time to contribute to the task force's work.

GENERAL CONCLUSIONS

The task force drew the following general conclusions from the public, court, and community input received:

Court and Community Collaboration Programs and Staff Support

- ◆ To be responsive to public needs and concerns, the courts should develop, maintain, and enhance court and community collaboration activities and programs that provide public education on the role and operation of the courts and ensure that the courts are responsive to the needs of their communities.
- ◆ To adequately support court and community collaboration activities, the courts should create a "community affairs officer" position and fill it with either existing or new staff.

Access and Fairness Issues

To address public perceptions regarding access and fairness issues, the Judicial Council and the courts should continue and augment their current activities in the following areas:

- ◆ Adopting a formalized and organized approach to the courts' increased use and coordination of alternative dispute resolution and mediation services;
- ◆ Increasing the amount and quality of court interpreter and pro per services;
- ◆ Changing section 1 of the Standards of Judicial Administration, Court's duty to prohibit bias, to a rule of court; and
- ◆ Improving jury services and education.

Use of Public Advisory Committees

To increase public involvement with the courts, the Judicial Council should encourage the creation and use of public advisory committees by the courts:

- ◆ As part of the county community-focused court planning process to open and maintain continuing dialogue with the courts' stakeholders; and
- ◆ To advise courts on other projects and circumstances as appropriate.

Emphasis on Customer Service

- ◆ To institutionalize a customer service perspective, the courts should as a regular practice:
 - ◆ Provide information to court users on available outside services; and
 - ◆ Resolve customer treatment issues at the local court level if possible.
- ◆ At a local level, a recommended approach for accomplishing these objectives is to create a staff position in each court with responsibilities as "court resource and ombudsperson."

Public Information Materials

- ◆ Courts in California engage in a wide variety of public information efforts. The degree and type of these efforts seem to correlate to the size of each court and its available resources; urban courts appear to be more actively engaged because they have resources to dedicate to the development of public information materials.
- ◆ Each court separately develops its own public information materials. In large courts, there appears to be duplication in the use of court resources to prepare public information brochures and other information. In the smaller courts, there are few resources for preparing such materials at all.
- ◆ To maximize the use of limited resources statewide, the Judicial Council should support the development of comprehensive and consistent public information materials that could be tailored by each court to its unique community.

Involving Community Organizations

- ◆ To create and ensure an effective ongoing dialogue with their communities, the courts should reach out not only to court users, but also to community leaders and community organizations.
- ◆ Community organizations are an interested and readily available resource for creating and enhancing court and community collaboration activities; they can provide important information and perspective to the courts on their communities, and they can assist in developing and maintaining programs by providing a source of volunteers and resources to augment court operations.
- ◆ Courts should reach out to such community organizations in a systematic, organized, and ongoing fashion to ensure effective community involvement.
- ◆ Courts may need general guidance from the Judicial Council and the AOC on appropriate techniques for making contact with community organizations.

E. Ethical Considerations Regarding Judicial Involvement in Court and Community Collaboration Programs

The Special Task Force on Court/Community Outreach is keenly aware of the legitimate judicial concerns about judicial involvement in court and community collaboration programs. Those concerns arise from some of the canons of judicial ethics. In the course of its data-gathering activities, the task force learned that many judicial officers left their new judge orientation with the impression that they are prevented by the Code of Judicial Conduct from participating in community outreach activities. Based on its research, however, the task force believes not only that judicial officer involvement in community collaboration activities is permitted under the canons of judicial ethics, but also that “[t]he current climate [of declining public trust and confidence] creates both an exceptional opportunity and an unprecedented need for judges to respond with educational efforts that will ameliorate the public’s misconceptions about the justice system and strengthen its commitment to an independent judiciary.”⁶

Certain principles are implicit in the independence of judicial decision making and the constraints imposed by the Code of Judicial Ethics, and judicial officers should be aware of these when considering their roles in court and community collaboration activities. Implicit in these principles and constraints, however, is the notion that judges are leaders of the court system and, as such, have a professional responsibility to ensure that the courts are fulfilling their

⁶ Gray, *When Judges Speak Up: Ethics, The Public and The Media*. (Chicago: American Judicature Society, 1998) p. 24.

appropriate role in the preservation of the rule of law in their communities. Thus, the question for judicial officers is not “How can judges avoid community involvement to ensure compliance with the canons of ethics?” Rather, it is “How can judges most effectively balance their community leadership responsibilities within the appropriate limitations?”

ETHICAL GUIDELINES

To address this seminal question, the task force built upon the strong foundation of an analysis recently prepared by the American Judicature Society and augmented that national analysis with specific reference to the canons of ethics contained in the California Code of Judicial Ethics. (See Appendix G for the comprehensive analysis of the ethical considerations that judges should keep in mind when they engage in community outreach activities.) From this comprehensive analysis the task force developed the following guidelines to assist judges in determining their appropriate roles in court and community collaboration programs:

1. An intrinsic aspect of the role of all judicial officers is to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
2. Judges should lead and participate in court and community collaboration activities because judges are in a unique position to:
 - (a) contribute to public understanding of the legal system and the administration of justice and
 - (b) bring together members of the community to address issues of significant concern to the community.
3. Judicial officers may lead and participate in community collaboration programs as long as they:
 - (a) choose an appropriate forum;
 - (b) do not comment on pending and impending cases;
 - (c) avoid inappropriate comments;
 - (d) do not directly solicit outside funding for such programs;
 - (e) do not lend the prestige of judicial office to advance pecuniary or personal interests of self or others; and
 - (f) do not otherwise violate any canons of ethics.
4. Judges can ensure their appropriate participation in court and community collaboration programs by involving court administrators, members of the bar, community leaders, or others who can, in appropriate situations, introduce the judge and explain the reasons the judge cannot make comment, solicit funding, or otherwise engage in prohibited activities.

Both the comprehensive analysis of ethical issues and the guidelines developed by the task force are included in detail in the court and community collaboration program handbook for the use of judicial officers and court staff.

GENERAL CONCLUSIONS

The task force drew the following conclusions about the interrelationship of the Code of Judicial Conduct and judicial officer involvement in court and community collaboration activities:

- ◆ Clear ethical guidelines related to court and community collaboration should be provided to judicial officers.
- ◆ The best approach to ensure continuity in development and communication of these guidelines is for the Judicial Council, through an authorized committee and in cooperation with the California Judges Association, to address ethical issues by:
 - ◆ Clarifying and establishing appropriate ethical guidelines regarding ethics opinions about judges and court and community collaboration efforts; and
 - ◆ Informing the Commission on Judicial Performance of the adoption of new section 39 of the Standards of Judicial Administration encouraging community outreach and related ethical guidelines.

F. The Public Education System and the Judicial System

Lack of public understanding of the role and operations of the justice system is a significant factor in the decline in public trust and confidence in the courts. This conclusion is supported by the results of the public surveys, anecdotal comments addressed to the task force by members of the public, and the personal experience of many task force members. Therefore, the task force expanded its research to identify the current status of public education about the justice system in our schools, examining the levels of governmental authority in the administration of public education and also the newly adopted statewide academic standards. (See Parts 1 and 2 of Appendix H.) The task force went on to identify organizations that are working to improve public education about the justice system—organizations with which the judiciary could collaborate to directly address public education needs. (See Part 3 of Appendix H.)

CURRENT STATUS OF PUBLIC EDUCATION

These sources and the public opinion surveys analyzed in Appendix B revealed the current status of public education about law and the justice system:

- Most members of the public gain information *without* direct contact with the courts; they instead rely heavily on the news media to obtain court

information and to form perceptions. One survey found that 70 percent (70%) of Americans rely on the news media in shaping their attitudes.⁷

- Another survey concluded that only 24 percent (24%) of Americans get their information from our education system.⁸
- While surveys show that teens and preteens often turn to their parents for information about the law, these surveys also show that what children *learn* about the law actually comes from school and television. Since such education is sometimes incidental, incomplete, or even inaccurate, children can be unsure of what the law is and what the consequences are of breaking laws.⁹
- Although civics, law, and justice programs, materials, and resources are included at various points in the educational progression of students, they appear not to be particularly well conceived in the context of students' overall educational experience. For example, countless "law-related" education programs are conducted in many schools throughout the state, but their scope, content, and availability are uneven. Like "equal protection of the laws," which is constitutionally compelled, there should also be "equal opportunity" for access to civics, law, and justice education for all students, tailored to their stages of maturity and experience at different times.¹⁰

The task force has identified many causes for the lack of public understanding of the justice system, including (1) the absence of an educational component in the public school curriculum that focuses on our justice system and (2) the diversity of cultures in our population, many of which do not have a tradition founded on the principles of the U.S. justice system, such as the separation of powers, independence of decision making, and rule of law over the rule of individuals.

ROLE OF THE JUDICIARY

The task force posed the question: "What role, if any, should the judiciary take in educating the public?" Research in this area found a general consensus among justice system leaders that judges and court staff can and must play an essential role in demystifying the courts and the law.

In 1992 the American Bar Association House of Delegates urged "judges, courts, and judicial organizations to support and participate actively in public education programs about the law and justice system, and further, that judges be

⁷ Hodson, *Court and Community Relations*, Court Review 5 (Summer 1989).

⁸ *Ibid.*

⁹ Results of a 600-child bar-commissioned survey conducted by Charlton Research Company discussed in McCarthy, *A to Z on Law and Your Kids*, California Lawyer (May 15, 1997).

¹⁰ Nicholson, J., *Judges and Justice in a Free Society: A Conceptual Blueprint for Multi-Branch, Multi-Level Collaboration to Assist the Public to Learn About and Understand the Judiciary* (unpublished article June 1997) pp. 15–16.

allotted reasonable time away from their primary responsibilities on the bench to participate in such public education programs, consistent with the performance of their primary responsibilities and the Code of Judicial Conduct.”¹¹ A *Judicature* editorial stated that “judges must accept primary responsibility for reaching out to the public and they are effective communicators and educators when they apply themselves.”¹²

It has been suggested that the judiciary adopt a coordinated approach to developing and conducting a civics, legal, and justice education program for the public, especially for students of all ages and levels. Through this effort judges, court executives, and staff could become involved in lecturing, teaching, writing, publishing, researching, consulting, and advising on curricula, materials, and resources. These resources could encompass books and audiovisual materials, as well as computer and distance learning tools, addressing law-related issues, such as the judicial system, the social compact, and the rule of law. These topics could be part of the universal curriculum of public and private schools, colleges, and universities.¹³

GENERAL CONCLUSIONS

The task force drew the following conclusions regarding public education about the justice system:

Academic Standards

- ◆ Education about the justice system varies widely across the state. The adoption of the new California Academic Standards for History/Social Sciences will help create opportunities for learning at an earlier age; the standards include some attention to law-related matters in Grades 2, 3, 4, 5, 8, and 12.
- ◆ Although the proposed standards appear to emphasize learning about government in general, the actual focus on law and the court system is limited. This limitation establishes both a strong need and a great opportunity for the courts to become involved with local schools to help California’s children and adults gain a greater knowledge and understanding of the judicial system.
- ◆ Further study is needed to determine the status of justice system/law-related education in private schools in California.

Needed Education

- ◆ The lack of public trust and confidence in the justice system can be attributed in part to the public’s lack of knowledge and understanding

¹¹ Resolution adopted by the House of Delegates, American Bar Association, August 11–12, 1992.

¹² *Judicature* 204 (March–April 1997): 12

¹³ Nicholson, p. 15.

about the role and operation of the system. The public surveys and the task force's research on public education civic curriculum reveal this lack of public understanding to be pervasive among large segments of California's population.

- ◆ Basic elements of the justice system that need to be more effectively communicated via public education include:
 - ◆ the rule of law;
 - ◆ basic principles of civil and criminal justice and basic court procedures and documents;
 - ◆ independence of the judiciary as a branch of government and in judicial decision making;
 - ◆ the role of judges, court staff, attorneys, jurors, law enforcement, and appellate courts;
 - ◆ the distinction between state and federal courts;
 - ◆ the judicial appointment process and nonpartisan judicial elections; and
 - ◆ methods of alternative dispute resolution, including dispute resolution skills training.

Opportunities for Collaboration

- ◆ The widespread need for public understanding of the justice system calls for a large-scale and systemic response. Numerous laudable organizations and individuals attempting to augment the public education system appear to operate independently. There appears to be no overall coordination of these individual efforts, and therefore no sizable or comprehensive systemwide impact is being felt.
- ◆ The Judicial Council, as the leadership body for the state courts, is uniquely positioned to lead such a systemic response by actively and directly collaborating with California's public and private education systems, private organizations, the courts, other branches of government, and the bar. Such a collaboration should seek to ensure that the teaching of the principles of our democratic form of government, as well as the role and operations of the court system, be given a high priority in our schools. Such collaboration should also seek to ensure that such education occurs at grade levels early enough in students' education to develop informed and participatory citizens. This collaboration should involve educators, state boards, and agencies to enhance education about the justice system in curricula for K–12, community college, and state university students, as well as in adult education programs offered through high schools and other organizations.
- ◆ Comprehensive collaboration to address an issue of such important societal concern warrants the ongoing attention and commitment of a Judicial

Council committee that would be a council liaison to California's public education system for improving education about civics and the justice system. Such a group should:

- ◆ Collaborate with state and local bar associations, the Coalition for Justice, the Constitutional Rights Foundation, the Center for Civic Education, and other organizations engaged in public education efforts; and
- ◆ Encourage and assist in the development of curricula for different age groups to ensure exposure to and understanding of the principles and processes of the legal system from an early age. This assistance could include: (1) making recommendations, with council approval, to the California Academic Standards Commission, the State Department of Education, and the Superintendent of Public Instruction regarding the need for improved education about the legal system in the public schools; (2) Creating collaborative working relationships with California colleges, universities, and law schools to address curriculum needs and to identify student volunteer opportunities for involvement with the courts and court community outreach.

Local Court Involvement With Justice System Education

In addition to the Judicial Council's leading and coordinating statewide public education activities, including the teaching of civics, the courts should encourage local school districts to make use of court outreach programs such as court visits, mock trial competitions, and visits to schools by judges.

See Part 4 of Appendix H for a list of some possible techniques and resources suggested for accomplishing such a comprehensive education effort.

G. *Court and Community Collaboration Training*

Engaging in court and community collaboration activities is likely a new endeavor for many judges, court administrators, and community members across the state. To position the courts to provide the appropriate leadership needed to effectively engage in these activities, a systematic approach to education and training in methods is needed. Such an approach could include many different elements for ensuring that the importance of court and community collaboration is regularly communicated through education. It is important that the Judicial Council provide leadership in education efforts. Education forums that could be used include:

- ◆ Center for Judicial Education and Research (CJER) new judge orientation and other judicial and court staff education programs;
- ◆ Regularly scheduled programs and meetings sponsored by the California Judges Association; and

- ◆ Regional training workshops sponsored by the Judicial Council for judges and court staff statewide to introduce and support the importance of court and community collaboration programs.

CJER and the Judicial Administration Institute of California (JAIC) designed and piloted a preliminary “Court and Community Relations” course in Spring 1998. The course was developed for individuals and/or teams of judges, court executives, and court staff responsible for developing and implementing community relations programs and projects in the local courts. Task force members participated on the planning committee and faculty for this preliminary course offering.

CJER staff is now collaborating with task force staff to redesign the course based on pilot feedback and the task force report and recommendations. CJER intends to begin offering this course on a regular basis to judicial officers and court administrators in Fall 1999.

The task force was originally charged to “conduct at least two regional training programs to train court personnel in creating and administering court community outreach programs.” This charge has not yet been achieved due to resource limitations. The task force recommends that the charge to the Community-Focused Court Planning Implementation Committee be expanded to include conducting these training programs by building on (1) the course foundation developed by CJER, and (2) *Dialogue*, the handbook developed by the task force.

III. POLICY ALTERNATIVES

In fulfilling its charge to “identify the role the Judicial Council and the Administrative Office of the Courts should play in supporting court community outreach efforts,” the task force considered a continuum of alternatives that could be presented to the council. Those alternatives ranged from:

- A. the council and the AOC’s taking no action and the courts continuing to respond to public concerns on an ad hoc basis to
- B. the council’s mandating a predefined number of prescribed court and community collaboration programs and requiring the courts to report on their activities and results.

The task force believes neither of these extremes is appropriate and urges the Judicial Council to take a middle ground. Such a course of action would have the council exercising its leadership role by sharing with the courts the importance and benefits of

participation in court and community collaboration programs and by providing support and incentives at a statewide level for courts that engage in court and community collaboration efforts.

In the preceding pages, the “General Conclusions” sections outlined the many actions the task force believes would foster court and community collaboration in the California courts. Because the task force is also aware of existing resource limitations and competing priorities, it urges the recommendations below as the first step in addressing court and community collaboration statewide. The following pages outline what the task force has identified as the most urgent and prudent actions. As resources allow and court and community collaboration activities develop, the extensive conclusions of this task force should be further considered.

Within this general approach are a wide range of possible options that should be considered by the Judicial Council, the AOC, and the courts at this time. These options include:

A. Institutionalizing Court and Community Collaboration Activities by Adopting a New Standard of Judicial Administration and Court Rule Amendments

Many kinds of court and community collaboration programs exist, but most are individual rather than institutionalized programs—i.e., they are dependent on the inspired leadership of specific individuals. Therefore, when those individuals are no longer available to lead those activities, the programs are discontinued. In addressing issues of public trust and confidence, it is critical that the courts actively engage in both *community justice initiatives* and *public education and outreach programs*. Those programs also need to be institutionalized—i.e., to become part of the way the courts regularly do business and to ensure continuity in responsiveness to the courts’ communities.

To encourage the courts to institutionalize court and community collaboration, the task force drafted a proposed new standard of judicial administration and proposed amendments to the California Rules of Court. The standard was patterned after Section 24(e)(1) of the California Standards of Judicial Administration, which encourages juvenile court judges to be actively involved in the life of their communities. It recognizes community outreach activities as official judicial functions and acknowledges that such functions should be performed consistent with the Code of Judicial Ethics. The proposed standard urges the judiciary to provide active leadership in (a) identifying and resolving issues of access to justice, (b) developing local education programs, (c) creating ways to hear from members of their communities, (d) being available to speak with community groups, and (e) taking an active part in the life of the community. The proposed rule amendments require presiding judges to recognize and encourage judicial involvement in court

and community outreach activities as they do other official judicial functions and to account for judicial time involved in those activities.

(Note: Some of the amendments to rule 532.5 are proposed solely to make the language gender neutral.)

The proposed standard and rule amendments were circulated for comment in 1998. The task force reviewed the comments and made changes to the proposal.

[Comments received on proposed section 39 of the Standards of Judicial Administration and amended rules 205, 207, and 532.5 are attached as Appendix I. The text of proposed section 39 of the Standard of Judicial Administration and amended rules 205, 207, and 532.5 is attached at pages 33–38.]

B. Encouraging Participation in Court and Community Collaboration Activities by Authorizing Distribution of a Program Handbook

In their efforts to ensure compliance with the canons of ethics, judges have become somewhat isolated from the communities they serve. Their uncertainty about the appropriateness of their role or the manner in which to limit their participation has made judges reluctant to participate in community outreach activities. For the courts to effectively address issues of public trust and confidence, it is both necessary and critical that judges engage in court and community collaboration programs while maintaining the highest level of compliance with the canons of ethics to ensure the independence of the judiciary. Therefore, it is important that judges be both *encouraged to participate* and *provided specific guidance on the appropriate limits of their roles*.

All of the information about court and community collaboration that the task force considered and developed has been documented in the program handbook, *Dialogue: Courts Reaching Out to Their Communities — A Handbook for Creating and Enhancing Court and Community Collaboration*. This handbook, created as a basic “how-to” reference guide, contains background information, analyzes ethical considerations, and recommends model programs and key steps necessary to create and enhance a wide range of effective court and community collaboration activities. The handbook is submitted to the Judicial Council for review as a separate document marked Appendix J. The handbook can be distributed and updated regularly to provide the foundational tools the courts need to institutionalize court and community collaboration.

C. Expanding the Charge of the Community-Focused Court Planning Implementation Committee to Ensure Oversight of Ongoing Court and Community Collaboration Program Activities

A commitment of resources at the state level will help ensure ongoing leadership of court and community collaboration activities in the courts and will communicate the importance of such activities throughout the state's justice system. Although the Special Task Force on Court Community Outreach believes that the issues and activities related to public trust and confidence in the justice system warrant the creation of a Judicial Council advisory committee, it recognizes the current limitation on council staff and financial resources. Therefore, the task force urges that, rather than creating a separate advisory committee, the council expand the charge of the existing Community-Focused Court Planning Implementation Committee.

After the May 1998 Community-Focused Court Planning Conference, the Chief Justice appointed a working group made up of a limited number of members from the Conference Steering Committee. The charge given to the Implementation Committee at the time of its creation was as follows:

The role of the implementation committee is to:

1. Oversee compliance with State Justice Institute grant requirements.
2. Establish and maintain a clearinghouse of community-focused court planning resources including development and oversight of guidelines for the administration of grant funds to the courts for use of "in-court planning consultant" services, and regional workshops for county planning team members.
3. In cooperation with the Trial Court Budget Commission, create a strong link between planning and budget development.
4. **Following the completion of the work of the Court/Community Outreach Task Force by submission of its final report and proposed Court/Community Outreach Handbook to the Judicial Council . . . , oversee ongoing efforts to institutionalize community outreach programs in the courts by:**
 - ◆ conducting regional training workshops on "how to" create and enhance community outreach efforts;
 - ◆ developing criteria for and overseeing the administration of grant funds for community outreach pilot projects; and
 - ◆ institutionalizing a community outreach clearinghouse in the Administrative Office of the Courts to oversee continued collection and sharing of information about effective

**court/community outreach programs (including continued updating of the Court/Community Outreach Handbook).
(emphasis added)**

Because the task force's work was still underway in July 1998 when the Implementation Committee was appointed, some of the important ongoing duties and responsibilities necessary to support court and community collaboration program initiatives were not enumerated in the Implementation Committee's charge. Based on the completion of its work, including the research and conclusions in this report, the task force urges that the charge to the Implementation Committee be expanded to include:

- ◆ Establishing collaborative relationships among the Judicial Council, California's state public education system, and other ad hoc justice system education organizations.
- ◆ Serving as the Judicial Council's liaison with the California Judges Association and the Commission on Judicial Performance regarding ethics guidelines for court and community collaboration.
- ◆ Developing comprehensive and consistent public information materials for court use statewide.
- ◆ Assisting courts to develop systematic and organized outreach efforts to community organizations.
- ◆ Developing a systematic statewide emphasis on court training in community collaboration activities.
- ◆ In cooperation with the California Judges Association's Courts Media Committee and state and local bar associations, engaging the media in the effort to improve public understanding of the justice system by:
 - ◆ Actively pursuing a media education program to improve the media's understanding and communication of the role of the court system and individual case results;
 - ◆ Encouraging the use of community access television;
 - ◆ Increasing communication with media contacts in the non-English-speaking press;
 - ◆ Preparing generic public service announcements for use by judicial districts that do not have public information officers; and
 - ◆ Encouraging courts to prepare local "state of the court" reports and hold press conferences to publicize the workload of the court and its active involvement in the community.
- ◆ Other activities that will enhance and support the council's leadership role as they are identified and developed over time as the courts and the council become systematically involved in community collaboration activities.

D. Confirming Statewide Leadership of and Support for the Court and Community Collaboration Program as a High Priority of the Judicial Council

Two important keys to the success of court and community collaboration statewide are (1) the leadership provided by the Judicial Council, and (2) the support provided by the AOC to the courts to initiate, improve, and maintain such programs. As the policy-setting body for the state court system, the council regularly establishes priorities (the “ends” to be achieved) that guide the Administrative Director’s discretion in the allocation of AOC resources (the “means” to accomplish the council’s “ends”). The task force submits that the council could have no more important “end” to achieve than improving public trust and confidence in the court system.

The council’s first step in developing a court and community collaboration program was the creation and work of this task force. The next step in ensuring the council’s continuing statewide leadership in court and community collaboration would be expanding the charge of the Implementation Committee, as described in policy alternative C. above. But it is important that the council not stop there. The success of the committee and the program will be directly related to the staff and financial resources available to support these efforts. For example, in addition to the general support of the Implementation Committee, staff would:

- ◆ Continue review of court and community collaboration programs from around the United States and California and provide ongoing information about and support to the courts in their community collaboration efforts by updating, as needed, the court and community collaboration handbook;
- ◆ Create and maintain an AOC clearinghouse of public education and court and community collaboration program information received from and provided to the courts;
- ◆ Continually develop and improve Judicial Council–sponsored public information materials that can be provided to the courts for their customization and use by judges and court administrators in California;
- ◆ Collaborate with the AOC Education Division to provide ongoing judicial and administrative training on how to set up, conduct, and maintain court and community collaboration and education programs; and
- ◆ Assist courts in identifying possible grant funding sources to support costs of court and community collaboration programs; and
- ◆ Other activities as appropriate.

Recognizing that the commitment of staff time and financial resources is within the discretion of the Administrative Director, the task force urges the council to emphasize court and community collaboration as a high priority end to be achieved. Establishing this program as a high priority of the Judicial Council will permit the Administrative

Director to appropriately exercise his discretion regarding the commitment of staff and financial resources to address public trust and confidence in and support for California's courts.

IV. RECOMMENDATION

The Special Task Force on Court/Community Outreach recommends that the Judicial Council:

1. Adopt section 39 of the California Standards of Judicial Administration and amend rules 205, 207, and 532.5 of the California Rules of Court, effective April 1, 1999.
2. Authorize distribution of the handbook *Dialogue: Courts Reaching Out to Their Communities —A Handbook for Creating and Enhancing Court and Community Collaboration*, attached as Appendix J to this report, to all California trial and appellate courts and interested courts nationwide, to encourage the courts, within their local management discretion, to create, maintain, and enhance court and community collaboration activities.
3. Amend the charge to the Community-Focused Court Planning Implementation Committee to include the following: oversight of ongoing court and community collaboration program activities, including but not limited to, interaction with state level education agencies and efforts; liaison with the California Judges Association and the Commission on Judicial Performance on community outreach ethics guidelines; collaboration with the Center for Judicial Education and Research (CJER) to provide training to judges and court staff on court and community collaboration; and addressing other statewide issues related to court and community collaboration, as appropriate.
4. Establish the Judicial Council's court and community collaboration program as a high priority and direct the Administrative Director of the Courts, within his discretion and available resources, to provide staff and financial support to ongoing court and community collaboration program activities.

The text of proposed section 39 of the Standards of Judicial Administration and of amended rules 205, 207, and 532.5 is attached at pages 33–38.

Attachments

Section 39 of the California Standards of Judicial Administration is adopted, effective April 1, 1999, to read:

1 **Section 39. The role of the judiciary in the community**

2 Judicial participation in community outreach activities should be considered an
3 official judicial function to promote public understanding of and confidence in the
4 administration of justice. This function should be performed in a manner
5 consistent with the California Code of Judicial Ethics. The judiciary is encouraged
6 to:

- 7
- 8 (a) Provide active leadership within the community in identifying and
9 resolving issues of access to justice within the court system;
- 10
- 11 (b) Develop local education programs for the public designed to increase
12 public understanding of the court system;
- 13
- 14 (c) Create local mechanisms for obtaining information from the public
15 about how the court system may be more responsive to the public's
16 needs;
- 17
- 18 (d) Serve as guest speakers, during or after normal court hours, to address
19 local civic, educational, business, and charitable groups that have an
20 interest in understanding the court system but do not espouse a
21 particular political agenda with which it would be inappropriate for a
22 judicial officer to be associated; and
- 23
- 24 (e) Take an active part in the life of the community where the participation
25 of the judiciary will serve to increase public understanding and
26 promote public confidence in the integrity of the court system.

Rule 205 of the California Rules of Court is amended, effective April 1, 1999, to read:

Rule 205. Duties of presiding judge

The presiding judge shall

(1) – (6) * * *

(7) prepare an orderly plan of vacations and attendance at schools, conferences, and workshops for judges ~~in accordance with the judicial education provisions of section 25 of the Standards of the Judicial Administration~~ and participation in community outreach activities, using the overriding principles in sections 25 and 39 of the Standards of Judicial Administration, and submit the plan to the judges for consideration (21 court days a year is a proper vacation period; attendance at a school, conference, or workshop for judges and participation in community outreach activities shall not be considered vacation time if attendance or participation is in accord with the plan and has the prior approval of the presiding judge);

(8) – (12) * * *

(13) ~~assure~~ ensure that the duties specified under rule 206 are timely and orderly performed;

(14) support and encourage the judiciary to actively engage in, within the parameters of the California Code of Judicial Ethics, community outreach to increase public understanding of and involvement with the justice system and to obtain appropriate community input regarding the administration of justice within the jurisdiction, consistent with section 39 of the Standards of Judicial Administration;

(15) ~~assure~~ ensure that the court regularly and actively examines access issues, including but not limited to any physical, language, or economic barriers that impede the fair administration of justice;

(16) ~~(14)~~ ***

(17) ~~(15)~~ ***

(18) ~~(16)~~ ***

- 1 (19) (~~17~~) ***
- 2 (20) (~~18~~) ***
- 3 (21) (~~19~~) ***
- 4 (22) (~~20~~) ***
- 5 (23) (~~21~~) ***
- 6 (24) (~~22~~) ***
- 7 (25) (~~23~~) ***

Rule 207 of the California Rules of Court is amended, effective April 1, 1999, to read:

Rule 207. Duties of court executive officer or court administrator

In courts having an executive officer or court administrator, selected by the judges of the court and under the direction of the presiding judge, the officer or administrator shall, where not inconsistent with the authorized duties of the clerk of the court,

(1) – (6) * * *

(7) support and encourage court participation in community outreach activities to increase public understanding of and involvement with the justice system and to obtain appropriate community input regarding the administration of justice, consistent with section 39 of the Standards of Judicial Administration;

(8) ~~(7)~~ ***

(9) ~~(8)~~ ***

(10) ~~(9)~~ ***

(11) ~~(10)~~ ***

(12) ~~(11)~~ ***

(13) ~~(12)~~ ***

(14) ~~(13)~~ ***

Rule 532.5 of the California Rules of Court is amended, effective April 1, 1999, to read:

Rule 532.5. Duties of presiding judge and administrative judge

(a) [Duties of presiding judge] Except as otherwise provided by subdivision (b), the presiding judge shall

(1) – (6) * * *

(7) require a judge who refuses a cause assigned to him for trial or for hearing, ~~when he is not disqualified,~~ without being disqualified, to state his ~~the~~ reasons in writing unless the presiding judge or the master calendar judge has concurred in such reasons;

(8) require ~~that when~~ a judge who has finished or continued the trial of a case or any special matter assigned to him, ~~he shall~~ to immediately notify the master calendar judge or the presiding judge of that fact;

(9) prepare an orderly plan of vacations and attendance at schools, conferences, ~~and~~ workshops for judges, and participation in community outreach activities, in accordance with the judicial education provisions of section 25 of the Standards of Judicial Administration using the overriding principles in sections 25 and 39 of the Standards of Judicial Administration, and submit it to the judges for consideration (21 court days a year is a proper vacation period; attendance at a school, conference, ~~or~~ workshop for judges, and participation in community outreach activities shall not be deemed vacation time if such attendance is in accord with the plan and has the prior approval of the presiding judge);

(10) – (14) * * *

(15) require any judge who intends to be absent from his or her court one-half day or more to notify the presiding judge of such intended absence reasonably well in advance thereof;

(16) support and encourage the judiciary to actively engage in, within the parameters of the California Code of Judicial Ethics, community outreach to increase public understanding of and involvement with the justice system and to obtain appropriate community input regarding the

1 administration of justice within the jurisdiction, consistent with section 39
2 of the Standards of Judicial Administration;

3
4 (17) ensure that the court regularly and actively examines access issues,
5 including but not limited to any physical, language, or economic barriers
6 that impede the fair administration of justice;

7
8 (18) ~~(16)~~ ***

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10 (19) ~~(17)~~ ***

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12 (20) ~~(18)~~ ***

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14 (21) ~~(19)~~ ***

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16 (22) ~~(20)~~ ***

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18 (23) ~~(21)~~ ***

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20 (24) ~~(22)~~ ***

